

Durell, Daniel

From: Durell, Daniel
Sent: Tuesday, July 1, 2025 12:10 PM
To: pro.se; Garcia, Chris; Blankenship, Denise
Subject: RE: Overdue Initial Disclosures – Case No. 1:25-cv-870-ADA-SH
Attachments: 2025.07.01 - MCM's Initial Disclosures-c.pdf

Mr. Le,

Attached are MCM's Initial Disclosures.

Thanks,
Daniel

Daniel Durell
Partner
troutman pepper locke
Direct: 512.305.4714
daniel.durell@troutman.com

From: pro.se <pro.se@phaple.com>
Sent: Tuesday, July 1, 2025 12:42 AM
To: Durell, Daniel <Daniel.Durell@troutman.com>; Garcia, Chris <Chris.Garcia@troutman.com>; Blankenship, Denise <Denise.Blankenship@troutman.com>; pro.se <pro.se@phaple.com>
Subject: Overdue Initial Disclosures – Case No. 1:25-cv-870-ADA-SH

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Dear Counsel,

I write to follow up regarding your client's initial disclosures in the above-referenced matter. As you know, the deadline for serving initial disclosures under the Court's scheduling order was June 30, 2025.

As of today's date, I have not received these disclosures.

Please produce your client's complete initial disclosures no later than **July 3, 2025**, or two business days from the date of this email. If you believe there is any legitimate basis for delay, kindly notify me immediately so that we may address the issue without further court intervention.

Absent receipt of the required disclosures or a reasonable explanation, I will be forced to seek relief from the Court, including potential sanctions under the Federal Rules.

Thank you for your prompt attention to this matter.

Sincerely,

Phap Anh Le
Plaintiff, Pro Se
Email: pro.se@phaple.com
Phone: 737-226-8701

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PHAP ANH LE,	§	
<i>Plaintiff,</i>	§	
v.	§	
	§	Case No.: 1:25-cv-870-ADA-SH
MIDLAND CREDIT MANAGEMENT,	§	
INC.,	§	
<i>Defendant.</i>	§	

**DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.’S
RULE 26(a)(1) INITIAL DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant Midland Credit Management, Inc. (“MCM” or “Defendant”) makes the following disclosures of witnesses and documents based on the information currently and reasonably available to them.

Defendant makes these disclosures based on information that Defendant “may use to support their claims or defenses, unless solely for impeachment,” pursuant to Rule 26(a)(1), based on information obtained to date and reasonably available to them. Defendant notes that its investigation is ongoing and reserves the right to modify, amend, and/or otherwise supplement their disclosures as additional information becomes available during the course of this lawsuit. Defendant expressly reserves all rights to modify, amend, and/or otherwise supplement these disclosures in light of additional investigation, discovery, information, and developments in this case, and/or upon receipt of subsequently filed pleadings or further investigation in this case, as provided by the Federal Rules of Civil Procedure, Local Civil Rules, or court order. By making these disclosures, Defendant does not represent that it is identifying every document, tangible thing, or witness possibly relevant to this lawsuit. Rather, Defendant’s disclosures represent a

good faith effort to identify information they reasonable believes is required by Rule 26(a)(1) of the Federal Rules of Civil Procedure.

These disclosures are made subject to the reservation of all privileges. Defendant's disclosures are made without, in any way, waiving: (1) the right to object to any discovery requests or to the admissibility of any evidence on the grounds of privilege, work product immunity, relevance, competency, materiality, hearsay, or any other proper ground in this action or in any other action; (2) the right to object to the use of any such information, for any purpose, in whole or in part, in any proceeding in this action or in any other action; or (3) the right to object on any and all grounds to any other discovery request or proceeding involving or relating to the subject matter of these disclosures in any proceeding in this action or in any other action.

A. Individuals Likely to Have Discoverable Information Supporting Defendant's Defenses

Based on the information presently available and subject to a more complete investigation of the case, Defendant submits the following names, addresses, and telephone numbers of individuals likely to have discoverable information that Defendant believes it may use to support its claims or defenses related to the issues raised by the pleadings, to the extent that Defendant can ascertain such issues based on the pleadings. Defendant does not consent to or authorize any communications with any of their current or former employees or any communications that are otherwise prohibited by the applicable rules of professional conduct.

1. **Phap Anh Le** ("Plaintiff")
13021 Dessau Rd, Lot 75 Austin, TX 78754
Phone: 737-226-8701
Email: pro.se@phaple.com

Plaintiff has information or knowledge related to the allegations, claims, and claimed damages set forth in Plaintiff's live complaint.

2. **Midland Credit Management, Inc., including its corporate representative(s) and custodian of records (“Defendant”)**

c/o Daniel Durell
State Bar No. 24078450
daniel.durell@troutman.com
Christopher G. Garcia
State Bar No. 24120840
chris.garcia@troutman.com
TROUTMAN PEPPER LOCKE LLP
300 Colorado Street, Suite 2100
Austin, Texas 78701
Telephone: (512) 305-4700
Facsimile: (512) 305-4800

Defendant, including its corporate representative(s) and its custodian of records, has information or knowledge related to Defendant’s defenses in this action, the acquisition of the debt at issue to Defendant, and the servicing of the debt at issue.

B. Documents and Electronically Stored Information Defendants May Use To Support Their Claims and Defenses

Defendant discloses the following description by category of non-privileged documents that are in its possession, custody, or control that Defendant may use to support its defenses: Defendant’s business records related to Plaintiff’s claims including account documents, servicing records concerning the Plaintiff’s account at issue, a call recording, and correspondence and other documents with Plaintiff.

Defendant may also use documents produced by Plaintiff in this Action to support its claims and defenses.

Defendant reserves the right to supplement these disclosures as discovery and its investigation continue. Defendant further reserves the right to object to the production of any documents described above on any basis permitted by the *Federal Rules of Civil Procedure*.

C. Damages

Defendant does not seek any damages at this time, but it reserves the right to do so. Further, Defendant denies liability to Plaintiff for any damages.

D. Insurance

Defendant is not aware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a reasonably possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment. However, Defendant has obtained a statutory surety bond and filed a copy of the bond with the Office of the Texas Secretary of State under Texas Finance Code § 392.101.

Dated: July 1, 2025

Respectfully submitted,

/s/ Daniel Durell

Daniel Durell

State Bar No. 24078450

daniel.durell@troutman.com

Christopher G. Garcia

State Bar No. 24120840

chris.garcia@troutman.com

TROUTMAN PEPPER LOCKE LLP

300 Colorado Street, Suite 2100

Austin, Texas 78701

Telephone: (512) 305-4700

Facsimile: (512) 305-4800

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2025, I served by electronic mail a copy of the foregoing

Rule 26(a)(1) Disclosures upon the following:

VIA EMAIL

Phap Anh Le, Pro Se

13021 Dessau Rd, Lot 75 Austin, TX 78754

Phone: 737-226-8701

Email: pro.se@phaple.com

Plaintiff, Pro se

/s/ Daniel Durell

Daniel Durell